UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA, Plaintiff,

vs. No. 1:19-cr-10040-JTF-1

JEFFREY YOUNG, Defendant.

NOTICE OF AUTHORIZATION DEFENSE AND MODIFIED PUBLIC AUTHORITY DEFENSE

Comes now, Defendant by and through his counsel and Notices the Government of his intent to plead the Authorization Defense per *Xiulu Ruan v. United States*, (once a defendant claims that he or she falls within the authorization exception and the burden shifts back to the Government, the Government must prove a lack of authorization by satisfying the ordinary criminal law burden of proof—beyond a reasonable doubt). As a licensed professional, he was clearly authorized to prescribe medications.

Likewise, while not an actual Public Authority defense, as it is merely an attach on the intent or *mens rea* element, the Defendant notices his intent to rely of the Tennessee Medical Board's continued licensing of his practice while aware of his prescribing practice as it is proof of a lack of intent or knowledge to violate the "authorized manner" clause.

The CLAIBORNE **№ FERGUSON** Law Firm, P.A.

294 Washington Avenue Memphis, Tennessee 38103 (901) 529-6400 Claiborne@midsouthcriminaldefense.com

/s/Claiborne H. Ferguson CLAIBORNE H. FERGUSON (BPR 20457) CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2022, I served a true and correct copy of the foregoing upon the person(s) listed below by the following method(s) of service:

[] Depositing it in the U.S. mail, first class postage prepaid and properly addressed
]] Hand delivery;
[] Facsimile transmission
[X] Electronic Transmission - PACER

Jillian Willis U.S. Department of Justice Criminal Division, Fraud Section 202-257-5852

/s/ Claiborne H. Ferguson